

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JOSE HELBERT MERCHAN CORTES

Petitioner

V.

Case No. 5:22cv155-RWS-JBB

WARDEN, FCI-TEXARKANA

Respondent

¶¶¶¶¶¶¶¶¶¶¶

ORDER

Petitioner Jose Helbert Merchan Cortes, proceeding *pro se*, filed the above-styled and numbered petition for the writ of habeas corpus complaining of the computation of his sentence and raising what he terms a claim of statutory interpretation. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Petitioner filed a motion to amend or correct his petition stating that he has now received the time credits he sought, making his petition moot. Docket No. 5 at 1. After review of the pleadings, the Magistrate Judge issued a Report recommending that the petition be dismissed as moot. Petitioner received a copy of this Report on July 16, 2024, but has filed no objections. Accordingly, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjection-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 6) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled petition for the writ of habeas corpus is **DISMISSED** as moot.

So ORDERED and SIGNED this 5th day of September, 2024.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE